

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: September 15-16, 2016
Arrowwood Resort & Conference Center
1405 US Highway 71, Okoboji, Iowa 51355**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Diane Clark, Chair; Ronald Cheney, D.O., Vice Chair; Kyle Ulveling, M.D., Secretary; Diane Cortese; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; KellyAnn Light-McGroary, M.D.; Mary Jo Romano; Hamed Tewfik, M.D.; Charles Wadle, D.O.

THURSDAY, SEPTEMBER 15, 2016

7:30 a.m.

EXECUTIVE COMMITTEE

Chair Clark, Cheney, Cortese, Tewfik, Ulveling

8:00 a.m.

SCREENING COMMITTEE

Chair Wadle, Gilg Gachiani, Kolegraff, Light-McGroary, Romano

9:00 a.m.

MONITORING COMMITTEE

Chair Cheney, Cortese, Gilg Gachiani, Kolegraff, Wadle

9:00 a.m.

LICENSURE COMMITTEE

Chair Tewfik, Clark, Light-McGroary, Romano, Ulveling

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Call to order, Roll Call to Establish a Quorum & Acknowledgment of Absent members.

B. Motion & Second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required, and two-thirds of the members must approve the motion.

BOARD – CLOSED SESSION

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Iowa Physician Health Committee

1. Notices of non-compliance

B. Committee Reports

1. Screening

2. Monitoring

3. Licensure

C. Review of Closed Minutes

1. July 28-29, 2016

D. Review of investigative reports

E. Motion & Second to meet in open session. Only needs a voice vote: those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Closed Session Cases

1:00 p.m. -

BOARD - OPEN SESSION/PUBLIC MEETING

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Call to Order, Roll-Call to Establish a Quorum & Acknowledge Absent Members

B. Introductions of Board members and staff

C. Introductions of public members present

D. Opportunity for Public Comments⁵

(Public can make comments now or when specific agenda items are addressed.)

E. Overview of the Board’s licensure, enforcement and regulatory work

F. Board Minutes for Consideration of Approval

1. July 28-29, 2016 - open and closed

G. Chair’s Report

H. Executive Director’s Report

I. Administrative Rules

- 1. Update.** On June 3, 2016, the Board approved a **Notice of Intended Action** to rescind rule **653 IAC 13.10**. The Board’s action involves a rule related to medical abortion deemed unlawful by the Iowa Supreme Court in opinion No. 14-1415. The

Governor's Office is reviewing the proposed action and has not released it for publication in the Iowa Administrative Bulletin.

2. **Update.** On January 14, 2016, the Board approved a **Notice of Intended Action** to amend **653 IAC Chapter 17**, "Licensure of Acupuncturists." The amendments update requirements for licensure, renewal and reinstatement; identify diagnostic and treatment modalities performed by acupuncturists; provide definitions of additional terms associated acupunctural services; revise requirements for the display, distribution and retention of a disclosure sheet which contains information for patients; establish requirements for the delegation of certain aspects of treatment; and establish a requirement that licensees report changes in their full legal name. The Governor's Office is reviewing the proposed action and has not released it for publication in the Iowa Administrative Bulletin.
3. **Update. ARC2706.** This amendment to 653 IAC Chapter 25 addresses an outdated description of the composition of a board panel that hears contested case proceeding. The Board voted to adopt and file the amendment at the August 11, 2016, teleconference. The amendment was published in the Iowa Administrative Bulletin on September 14, 2016, and will become effective October 19, 2016.
4. **Update. ARC2705C.** This rulemaking amends 653 IAC Chapter 13 to update the list of board-recommended resources for chronic pain management, including the new CDC guideline on opioid prescribing. The Board voted to adopt and file the amendment on July 29, 2016. The amendment was published in the Iowa Administrative Bulletin on September 14, 2016, and will become effective October 19, 2016. The Board issued a press release about the CDC guideline on August 29, 2016.

J. Bureau of Health Statistics update on electronic death registration system (EDRS)

K. Supervision of physician assistants update

L. Report on ad hoc subcommittee to work with Iowa Board of Psychology to establish administrative rules on prescribing certificates and psychologists who prescribe psychotropic medications

M. Report on ad hoc subcommittee to study sexual orientation change efforts

N. 2017 legislation

O. Licensure Update

1. Petitions for waiver to licensure requirements

- a. **Yehudith Assouline-Dayan, M.D. 653-9.7(1)e(1)** *Passing USMLE Steps 1, 2, and 3 in a ten-year time period.* The Board

requires applicants to pass all steps of the USMLE in a ten year time period, or be specialty board certified by ABMS or AOA.

b. Daniel Baumgart, M.D. 653-9.15(2)d *Not engaged in active clinical practice in the past three years in US jurisdiction or Canada.* The Board requires applicants for reinstatement who have not had active clinical practice in the past 3 years to demonstrate competency by passing a competency evaluation; pass SPEX or another exam; complete a retraining program; or complete a reentry to practice or monitoring program.

2. Administrative Medicine License Update

3. Interstate Medical Licensure Compact Update

P. Judicial Review/Legal Update

1. **Rabi v. BOM (# 2) (challenging contested case decision)** – Brief has been filed on Board’s behalf asking the court to affirm the Board’s decision. Oral argument was held on July 14, 2016. Awaiting decision.
2. **Rabi v. BOM (# 5) (challenge to Board’s denial of termination of probation and request to amend original decision)** – Newly filed appeal. A motion to dismiss was filed on behalf of Board. Rabi’s attorney asked for more time to respond. The Court granted the Board’s motion to dismiss.
3. **Risk v. BOM – (challenging Board’s denial of his request for rehearing) Supreme Court** appeal challenging the district court’s order affirming Board’s order. Case has been fully briefed and we are awaiting notice of oral argument.
4. **Fleming v. BOM, No. 14-0975** – The Court of Appeals issued a decision affirming the Board’s discipline of Dr. Fleming. Dr. Fleming has filed a request for rehearing. Awaiting Court’s ruling.

Q. Board Member Education: What happens when a malpractice claim is reported to the Board of Medicine?

R. Federation of State Medical Boards

S. Iowa Physician Health Committee/Program

1. Program update (Amy Van Maanen)

T. Correspondence, reports & articles

1. *Hospital ownership of physician practices increases nearly 90 percent in three years*, Physician Advocacy Institute, September 7, 2016.
2. Use of ACGME Milestones data in the licensure of physicians, Accreditation Council for Graduate Medical Education , August 15, 2016.

U. Committee Reports

1. Licensure
2. Monitoring
3. Screening

V. Motion & Second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required, and two-thirds of the members must approve the motion.

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Motion & Second to meet in open session. Only needs a voice vote: those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

BOARD - ADJOURN

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Motion & Second to adjourn the meeting until 8 a.m. Friday, September 16, 2016. Only needs a voice vote: those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

FRIDAY, SEPTEMBER 16, 2016

8:00 a.m. -

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Call to order, Roll Call to Establish a Quorum & Acknowledgment of Absent members.

B. Motion & Second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required, and two-thirds of the members must approve the motion.

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Vote on Cases Reviewed in Closed Session

B. Next meeting of the Board

BOARD ADJOURN

If there is no further business to conduct, the Chair will declare the meeting adjourned

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact: ibm@iowa.gov

(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The Board's scheduled meetings for the remainder of 2016:

- **Thursday and Friday, October 27-28**
- **Thursday, November 10 (teleconference)**
- **Thursday and Friday, December 15-16**

The Board's office closing for the remainder of 2016:

- **Friday, November 11 (Veterans Day)**
- **Thursday and Friday, November 24-25 (Thanksgiving)**
- **Monday, December 26 (Christmas observed)**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.